

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 10, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. Mayor Murphy recessed the meeting at 10:50 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:35 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:09 p.m. Mayor Murphy recessed the meeting at 4:21 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:30 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:05 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:14 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 7:56 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 8:05 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 9:11 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (pr/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Al Strohlein regarding Carroll Canyon, tied votes, and Roberts Rules.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-042.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding the San Diego Municipal Code, and
Permanent Rules of the Council pertaining to the scheduling of Council Meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-052.)

PUBLIC COMMENT-3:

Comment by Bert Decker regarding traffic gridlock around the corridors of
Rosecrans, Nimitz Boulevard, and Harbor Drive.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-091.)

PUBLIC COMMENT-4:

Comment by Bob Spellman regarding the De Anza community, and an article in
the San Diego Tribune.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A092-135.)

PUBLIC COMMENT-5:

Comment by Kathleen Blavatt regarding an event at the Convention Center
pertaining to Autism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A136-159.)

PUBLIC COMMENT-6:

Comment by Ron Boshun regarding the behavior of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-200.)

PUBLIC COMMENT-7:

Comment by Mitchell Lizar regarding politics, and the City Council's responsibilities to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-217.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER**

Comment by Glen Faison regarding being burglarized, and his feeling that the San Diego Police Department's process on handling burglaries is too slow.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A221-232.)

PUBLIC COMMENT-9:

Comment by Dan Beeman regarding the City's noticing and mailing procedures.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A232-268.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Inzunza wishing to thank City staff for helping out with a large event held in the South Bay and Otay Mesa. The event was called "Mex-Port," and it helps to bring together different entities and businesses from both sides of the Border to come together to see what opportunities there are for trade and commerce. Council Member Inzunza specially wished to thank Tina Christiansen and her staff for the work they did helping to bring the event together.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A285-296.)

ITEM-330: SeaWorld Master Plan Update.

Matter of approving, conditionally approving, modifying, or denying the SeaWorld Master Plan Update and associated amendments to the Mission Bay Park Master Plan, Local Coastal Program, and Progress Guide and General Plan. SeaWorld is located north of SeaWorld Drive and east of Ingraham Street, on the southern edge of Mission Bay Park.

The SeaWorld Master Plan Update sets forth a long-range conceptual development program, development parameters, and project review procedures for the future renovation of SeaWorld. The Master Plan Update includes amendments to the Mission Bay Park Master Plan to revise the height limit at

SeaWorld from 30-feet up to a maximum of 160-feet. The Master Plan includes site-specific proposals, both near term and long term, including but not limited to a splashdown ride (not to exceed 95 feet in height), a multi-story education complex (45 feet in height), a front gate renovation (90 feet in height at the tallest icon point), and a special events center (60 feet in height at the tallest icon point).

The SeaWorld Master Plan Update is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this SeaWorld Master Plan Update will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(SeaWorld Master Plan Update/Progress Guide and General Plan
Amendments/Mission Bay Park Master Plan/Local Coastal Program 99-0618.
Mission Bay Park Community Plan area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B:

Subitem-A: (R-2002-19) ADOPTED AS AMENDED AS RESOLUTION R-295138

Adoption of a Resolution certifying that the information contained in Environmental Impact Report (EIR) LDR-99-0618 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the SeaWorld Master Plan Update and associated amendments to the Progress Guide and General Plan, the Mission Bay Park Master Plan, and the Local Coastal Program;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-20) ADOPTED AS AMENDED AS RESOLUTION R-295139

Adoption of a Resolution approving the SeaWorld Master Plan Update, including associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program, to become effective upon the California Coastal Commission's unconditional certification of the Local Coastal Program amendment;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans;

SeaWorld is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, these amendments will not become effective in the Coastal Zone until the Coastal Commission unconditionally certifies the Local Coastal Program amendment.

OTHER RECOMMENDATIONS:

Planning Commission on June 21, 2001, voted 6-0 to approve the City Manager's Recommendation, with modifications. See City Manager's Report for discussion of the Planning Commission's recommended modifications; was opposition.

Ayes: Garcia, Skorepa (voted no on bikepath), Stryker, Steele, Brown, Anderson
Not present: Butler

The Mission Bay Park Committee has recommended approval of the SeaWorld Master Plan Update presented by SeaWorld.

Recommendations from adjacent Community Planning Groups are included in Attachment 1 to the City Manager's Report.

CITY MANAGER SUPPORTING INFORMATION:

Background

In 1972, the voters of the City of San Diego passed Proposition D, which placed a 30-foot height limit on all new construction within the coastal zone. This 30-foot height restriction is incorporated into the Mission Bay Park Master Plan, and has governed new development within Mission Bay Park, including SeaWorld, for nearly the last 30 years.

On November 3, 1998, the voters of the City of San Diego approved the SeaWorld Initiative (see Attachment 2) which would amend the City of San Diego Municipal Code to allow development up to a maximum height of 160 feet on the SeaWorld leasehold. On October 14, 1999, the Planning Commission initiated amendments to the Mission Bay Park Master Plan and the Local Coastal Program to revise the height limit at SeaWorld from 30 feet to 160 feet. The current SeaWorld Master Plan was last updated in 1985. This 1985 plan allows for the general expansion of SeaWorld's attractions, a 300-room hotel in the Perez Cove area (update proposes 650 rooms) , and a 200-slip addition to the existing marina in Perez Cove (update proposes 115 slips).

Since January of 2000, SeaWorld has conducted a wide variety of noticed public forums, and has attended numerous community planning group meetings in an effort to implement one of the Planning Commission's initial suggestions - to take extraordinary efforts to involve the public in SeaWorld's proposal to amend the Mission Bay Park Master Plan.

Four publicly noticed Planning Commission workshops to analyze and discuss SeaWorld's Master Plan Update were held in December of 1999, February and July of 2000, and May of 2001. Public testimony was provided at each of these workshops, and issues identified previously by both the public and the Planning Commission were addressed (see Attachment 3 - Responses to Issues identified by the Planning Commission). The final draft SeaWorld Master Plan Update is the product of all input received to date from the Planning Commission, the Community Outreach Forums, Planning Committee meetings, and comments from City staff.

Project Description

The final Draft SeaWorld Master Plan Update sets forth a long-range conceptual development program, development parameters, and project review procedures for the future renovation of

SeaWorld. The Master Plan Update conceptual development program consists of three categories:

Tier 1 are near term (2-6 years) projects and include a Splash Down Ride (95 feet high), an Education Complex (45 feet high), a Front Gate Renovation (90 feet high), and a Special Events Center (60 feet high).

Tier 2 projects include areas to be developed in the long term. The Master Plan identifies eight areas within SeaWorld that are candidates for redevelopment, however, no specific projects are described. A wide variety of attractions would be allowed including aquariums, special effects theaters, adventure rides, wildlife exhibits, research facilities, etc.

Special Projects include specific development proposals to be developed in the long term. These include a four-level Parking Garage (45 feet high), MTDB's Transit Station to be co-located

within the parking structure, the Perez Cove Hotel (90 feet high), and the Perez Cove Marina Expansion (115 additional slips).

The SeaWorld Master Plan Update is structured so that it becomes part of the Mission Bay Park Master Plan by reference, thus functioning as a specific plan for the SeaWorld leasehold. The proposed amendments to the Mission Bay Park Master Plan are detailed in Attachment 6.

Because the SeaWorld Master Plan Update requires amendments to the Local Coastal Program, the California Coastal Commission must certify the document subsequent to City Council approval.

FISCAL IMPACT:

It is anticipated that implementation of the SeaWorld Master Plan Update will result in an increase in fiscal revenue to the City from improved business performance of the lessee. The minimum rent will also be adjusted to reflect any increase in the value of the leasehold that occurs once the lessee obtains fully vested entitlements.

Over the past 10 years, annual lease revenue from Sea World has increased from approximately \$3.9 million in FY 1990 to \$6.3 million in FY 2000. If the Sea World Master Plan is approved, it is anticipated that the investment in leasehold improvements will result in a further increase in leasehold revenue to the City as well as increasing ancillary revenue associated with any increase in attendance resulting from the improvements. In addition, if the Manager's recommendation is adopted, a rent credit provision currently contained in Sea World's lease will be deleted resulting in a potential savings of approximately \$1.16 million.

Loveland/Christiansen/Griffith/MJW

LEGAL DESCRIPTION:

The project site is located on SeaWorld Drive, east of Ingraham Street and West Mission Bay Drive, and on the southern edge of Mission Bay Park. It lies within the Mission Bay Park Master Plan area and the Coastal Zone (a Coastal Development Permit from the Coastal Commission would be required for this project).

FILE LOCATION: LAND-Progress Guide and General Plan/Mission Bay
Community Area (09)

COUNCIL ACTION: (Tape location: C030-368; D012-M167.)

Hearing began at 11:35 a.m. and recessed at 12:00 p.m.

Hearing resumed at 2:09 p.m. and halted at 9:11 p.m.

Testimony in opposition by Carolyn Chase, Judy Swink, Joanne Pearson, Al Strohlein, Catherine Strohlein, Jerry Butkiewicz, Pauline des Granges, Michael Beck, Bruce Resnik, Marco Gonzalez, Jim Peugh, Norma Damashek, Richard Greene, Canon Boone Sadler, Jr., Charles Roberts, Ariadna Wall, Jarvis Ross, Scott Andrews, Rev. Devore Smith, Molly Rhodes, Ed Cramer, Carolyn Mezta, Don Kotelko, Benjamin Leaf, Herbert Lawson, Kevin Brew, Mienon Scherer, Anne DeBevoise-Abel, Keith Jenkins, Tom Switzer, Ryan Levinson, Nicole Lippert, Doug Beckham, Frank Gromlie, Mike Myer, Mike Lehman, Chuck Bahde, Seana McGinley, Kimberly McGinley, Albert Lewis, Debora Grane, John Zip Zeminson, Christa Hoffman, Justin Booth, Margaret Riley, Don Mullen, Ron Boshun, Kathleen Blavatt, and Dan Beeman.

Testimony in favor by Dennis Burks, David Watson, Penny Masters, John Leppert, Jessie Knight, Scott Barnett, Julie Meier Wright, John Hawkins, Anne Evans, Tom Fat, Sal Giametta, Bill Evans, Cynthia Vicknair, Fred Baranowski, Luis Barrios, Christopher Neils, John Johnson, Jim Schmidt, Jim Lamke, George Mitrovich, Wayne Blum, Harvey Kaufman, Jim Fitzpatrick, Rev. Wayne Riggs, Billy Paul, Samuel Valdez, Charles Bishop, Scott Newman, Marc Schaeffer, Diana Isaacs, Willard Isaacs, Divon Mortimer, and Frederick Grand.

MOTION BY PETERS TO ADOPT THE RESOLUTION WITH THE FOLLOWING CONDITIONS AND DIRECTIONS TO THE CITY MANAGER: AS TO TRANSIT AT SEAWORLD, WE SHOULD MAKE SURE THAT WHEN WE FINALIZE RIGHT-OF-WAY DISCUSSIONS, THAT WE ARE FIRM IN HAVING TRANSIT THAT IS NO FURTHER AWAY THAN ANY CAR, WITH THE EXCEPTION OF HANDICAPPED SPACES, NO FURTHER FROM THE GATE THAN THE PARKING LOT, BECAUSE THAT WAY WE DO NOT ENCOURAGE PEOPLE TO USE TRANSIT. IN THIS WAY, WE WILL HAVE DIRECT ACCESS TO THE GATE. THIS TRANSIT COULD BE IN THE FORM OF A TROLLEY, A GUIDED PEOPLE-MOVER OR BUS RAPID-TRANSIT, AND THAT IT IS AT LEAST AS CLOSE TO THE FRONT GATE AS ANY AUTOMOBILES. COUNCIL MEMBER PETERS ALSO WANTS TO MAKE SURE WE ARE NOT ON A PATH TO BECOMING MAGIC MOUNTAIN OR DISNEYLAND OR KNOTT'S BERRY FARM, BECAUSE THAT IS NOT WHAT THE MISSION BAY MASTER PLAN CONTEMPLATES. REGARDING NO. 7 OF THE CITY MANAGER'S RECOMMENDATIONS, COUNCIL MEMBER PETERS REQUESTED THAT, INSTEAD OF 70% OF SEAWORLD'S TOTAL ATTRACTIONS TO INCLUDE EDUCATIONAL AND/OR ANIMAL-CONSERVATION RELATED ELEMENTS, IT SHOULD PROVIDE A MINIMUM OF 75% OF SEAWORLD'S TOTAL ATTRACTIONS, IN ORDER TO PUT US ON A TREND THAT PEOPLE WOULD BE MORE COMFORTABLE WITH. IN ADDITION, HE REQUESTED THAT THE LANGUAGE SHOULD READ "SHOULD INCLUDE SIGNIFICANT EDUCATIONAL AND/OR ANIMAL-CONSERVATION RELATED ELEMENTS" TO AVOID THE PROSPECT OF FISH ON A ROLLER-COASTER CAR BEING CONSIDERED AQUATIC. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

COUNCIL MEMBER PETERS ACCEPTED THE FOLLOWING AMENDMENTS TO THE MOTION AS SUBMITTED BY COUNCIL MEMBER WEAR:

Item 1 of Council Member Wear's memo:

AMENDMENT TO THE MOTION BY WEAR TO DENY ANY ADDITIONAL HOTEL EXPANSION, INCLUDING ANY ADDITIONAL INCREASE IN HEIGHT OR NUMBERS OF ROOMS. DIRECT THE CITY MANAGER TO WORK OUT, DURING LEASE NEGOTIATIONS WITHIN THE NEXT YEAR, A 10-YEAR MORATORIUM ON HOTEL PROJECTS. THIS WOULD MAINTAIN THE

CURRENT ENTITLEMENT OF A MAXIMUM 30 FEET IN HEIGHT AND 300 ROOMS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Item 2 of Council Member Wear's memo:

AMENDMENT TO THE MOTION BY WEAR TO MAKE SURE THAT WE DO NOT ADVERSELY CHANGE THE CHARACTER OF THE PARK. IT IS IMPERATIVE THAT WE REQUIRE SEAWORLD TO NOT ONLY PROVIDE THE PUBLIC NOTICE OF APPLICATION, BUT ALSO ENGAGE IN A LEVEL 2 REVIEW PROCESS THAT INCLUDES THE CITY COUNCIL AND THE PLANNING COMMISSION FOR ALL PROJECTS EXCEEDING 30 FEET. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

Item 3 of Council Member Wear's memo is included in the main motion.

Item 4 of Council Member Wear's memo:

AMENDMENT TO THE MOTION BY WEAR, AS TO TRANSIT AND TRAFFIC, TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION THAT SEAWORLD SHOULD WORK WITH MTDB TO IMPLEMENT THE AUTOMATED PEOPLE MOVER/GUIDEWAY OR OTHER TRANSIT TECHNOLOGY, AND ASSURE THE TRANSIT STATION IS PROVIDED WITH A DIRECT LINK TO SEAWORLD'S FRONT GATE. THAT THE CITY SEEK AGREEMENT FROM SEAWORLD THAT IF MTDB, THE CITY OF SAN DIEGO, OR ANY SUCCESSOR AGENCY, PROCEEDS WITH THE CONSTRUCTION OF A TRANSIT LINK TO THE BEACH THEY WILL PROVIDE ADEQUATE RIGHT-OF-WAY ON ITS LEASEHOLD FOR THE PROJECT AND PARTICIPATE FINANCIALLY IN THE DESIGN AND CONSTRUCTION OF THE SEAWORLD TRANSIT STATION, WITH DIRECTION TO THE CITY MANAGER TO PURSUE THIS ISSUE DURING LEASE NEGOTIATIONS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Item 5 of Council Member Wear's memo:

Motion by Wear that increased revenue to the City from Seaworld should be utilized for improvements to Mission Bay Park to the maximum extent allowed. Accept Council Member Atkins' amendment for this issue to come back to the City Council to determine the generated revenues and how much would go to Mission Bay Park, and that there would be increased revenues that would not impact the continued certain amount into the General Fund. Second by Atkins. Failed. Yeas-1, 2, 3. Nays-4, 5, 6, 7, 8, M. Not present-none.

Item 6 of Council Member Wear's memo:

AMENDMENT TO THE MOTION BY WEAR THAT THESE AMENDMENTS TO THE SEAWORLD MASTER PLAN UPDATE SHALL NOT TAKE EFFECT UNTIL THE COASTAL COMMISSION CERTIFIES THE MASTER PLAN AS A LOCAL COASTAL PROGRAM AMENDMENT AND THE LEASE HAS BEEN AMENDED TO ADDRESS THE HOTEL AND TRANSIT/TRAFFIC ISSUES AGREED UPON BY SEAWORLD DURING TODAY'S HEARING. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY ATKINS TO AMEND THE MANAGER'S RECOMMENDATION TO LIMIT THE MAXIMUM NUMBER OF NIGHTS PER YEAR OF FIREWORKS TO 150 AND TO INCLUDE COUNCIL MEMBER WEAR'S RECOMMENDATION THAT SEAWORLD LOOK AT REDUCING THE VOLUME AND PUT MORE SHELLS UP THAT ARE LIGHT VERSUS THE NOISE AND ATTEMPT TO SOFTEN THE NOISE AS MUCH AS POSSIBLE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to deny the splash-down ride or the other thrill rides that have no marine or educational element as part of the plan. No second.

Motion by Frye to amend, limiting the height of the lighthouse icon at the entryway to SeaWorld to a maximum of 45 feet. No second.

Motion by Frye to approve the Planning Commission's recommendation for a shoreline pedestrian bicycle pathway. No second.

TEM-331: Warren Development.

Matter of the appeal by Gunter Zittel represented by Worden, Williams, Richmond, Brechtel & Gibbs, of the decision by the Planning Commission in approving an application for a tentative map to consolidate four lots into one for condominium purposes, a permit to demolish four residences and construct one three-story building for six units with an underground parking garage, landscaping and improvements in the public right-of-way. The 0.28 acre project site is located on the southeast corner of Olivetas Avenue and Ravina Street in Zone 5 of the La Jolla Planned District of the La Jolla Community Plan area.

(TM/SDP/CDP-40-0242. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to deny the appeal, and grant the map and permit:

Subitem-A: (R-2002-) CONTINUED TO TUESDAY, JULY 24, 2001

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 40-0242 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081; and adopting the Mitigation Monitoring and Reporting Program.

Subitem-B: (R-2002-) CONTINUED TO TUESDAY, JULY 24, 2001

Adoption of a Resolution granting or denying the appeal and granting or denying the Tentative Map, Site Development/Coastal Development Permit No. 40-0242, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission, on April 5, 2001, voted 5 - 0 to approve; was opposition.

Ayes: Garcia, Butler, Brown, Stryker, Skorepa

Recused: Steele

Not present: Anderson

The La Jolla Community Planning Group on June 2, 2000, voted 13-0-2 to recommend approval of the project with the condition that trash be lifted to the street.

CITY MANAGER SUPPORTING INFORMATION:

The project proposes to consolidate four lots into one for condominium purposes and to demolish four residences, and construct one three-story building for six units with an underground parking garage, landscaping, and improvements in the public right-of-way.

Background

The 0.28 acre site is located east of Olevitas Avenue, west of La Jolla Boulevard between Ravina Street and Pearl Street in the existing zone 5 of the La Jolla Planned District of the La Jolla Community Plan area. The surrounding properties are developed with single and multi-family residential uses. The proposed project is consistent with the La Jolla Community Plan land use map which designates this property for medium density residential land use (14-43 dwelling units per acre).

The existing four houses to be demolished were constructed prior to 1930. To address the potential that the existing structures have historical value, a historical evaluation has been completed which determined the houses are of no historic significance. The four structures are located at 7515 Olevitas Avenue and 415, 417, and 425 Ravina Street. The structure at 7515 Olivetas Avenue was built in 1918. The record shows that subsequent additions and alterations have been made to the structure. The house at 415 Ravina Street was built in 1976 when the previous structure, built in 1918, was demolished. The Mediterranean style house at 417 Ravina Street was built in 1918 and was later stripped and rebuilt as a stucco frame home. The Bungalow style house at 425 Ravina Street was also built in 1918.

Several additions and alterations have been made to the original structure. All the existing structures are single story buildings in reasonably good condition. The historical report concluded none of the structures were historically or architecturally significant under the California Environmental Quality Act as they are absent of any historical context, association with important persons or events, uniqueness, and/or structural integrity of the existing houses.

Council Policy 600-3 (Coastal Housing Program) exempts development which proposes to demolish less than ten units from any requirements to provide affordable housing replacement units (LDC 143.0820). The project is not conditioned to provide any replacement affordable housing units nor is the applicant proposing to do so.

FISCAL IMPACT: None.

Loveland/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located on the southeast corner of Olivetas Avenue and Ravina Street in Zone 5 of the La Jolla Planned District and is more particularly described as Lots 1, 2, 3, and 4 of Map No. 352.

FILE LOCATION: PERM-40-0242 (65)

COUNCIL ACTION: (Tape location: A302-331.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO TUESDAY, JULY 24, 2001, TO ALLOW FOR THE TIME NECESSARY TO REVIEW RECENTLY SUBMITTED DOCUMENTS. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Fanuel Street Rezone and Local Coastal Program Amendment.

(Continued from the meetings of April 17, 2001, Item 331, May 8, 2001, Item 331, May of May 22, 2001, Item 331, and May 22, 2001, Item 331; last continued at the request of the Council to allow the Council District 6 Representative to participate.)

Matter of approving, conditionally approving, modifying or denying a request to rezone a 0.29-acre property located at 4527, 4533, and 4545 Fanuel Street from CO-1-2 (Commercial-Office) to CC-3-4 (Commercial-Community).

The proposed rezone is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this rezone will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(Rezone No. 40-0266. Pacific Beach Community Plan Area. District-2.)

NOTE: Hearing open. No testimony taken on 5/22/2001.

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance:

(O-2001-128) CONTINUED TO MONDAY, JULY 16, 2001

Introduction of an Ordinance changing 0.29 acres located at 4527 and 4545-4547 Fanuel Street, within the Pacific Beach Community Plan area, from the CO-1-2 (commercial-office) Zone into the CC-3-4 (commercial-community) Zone, as defined by San Diego Municipal Code Section 131.0507; and repealing Ordinance No. 10364 (New Series), adopted August 13, 1970, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-1 to approve; was opposition.

Ayes: Steele, Skorepa, Brown, Stryker, Garcia
Nays: Anderson

The Pacific Beach Community Planning Group has recommended denial of the proposed rezone.

CITY MANAGER SUPPORTING INFORMATION:

The project site is a 0.29-acre property located at the southeast corner of Fanuel Street and Felspar Street, within Pacific Beach. The property is developed with three existing commercial buildings, parking, and landscaping. The buildings are currently occupied by a dentist office, a motorcycle sales and service shop, a hair salon, and one 2-bedroom apartment unit upstairs.

The property is currently zoned CO-1-2 (Commercial-Office). This zone allows a mix of office and residential uses, but does not allow commercial services such as the hair salon, nor does it allow vehicle sales and service such as the motorcycle shop. The dentist office is an allowed use.

In September of 1999, the City's Code Compliance Department investigated the site in response

to complaints from the neighborhood. After inspecting the site, Code Compliance determined that both the hair salon and motorcycle shop uses were not permitted in the CO-1-2 zone, and were thus in violation of the City's Municipal Code. The Code Enforcement Case against the property has been held in abeyance to allow the property owner to seek City Council approval of a rezone that would permit both the hair salon and motorcycle shop to continue to operate on the premises.

In April of 2000, the owner submitted to the City a rezone application requesting the CC-1-1(Commercial-Regional) zone. This zone would allow a wide variety of retail and commercial uses, including vehicle and vehicle equipment sales and service (motorcycle shop).

On July 24, 2000, the Pacific Beach Community Planning Committee took formal action on the Fanuel Rezone proposal from CO-1-2 to CC-1-1 and voted (8-1-5) to recommend denial of the rezone request. The committee's action was based primarily on public testimony and opposition provided by residents in the surrounding neighborhood. Most of the complaints centered around the noise and vibration generated or caused by the existing motorcycle shop, including noise impacts associated with motorcycle repair activities (dynamometer), motorcycle noise from customers arriving and leaving the property, and extraneous motorcycle-related activities on the site (parties and road rallies).

Based primarily on opposition from the planning group and surrounding neighbors, the applicant agreed to revise the rezone application to request the CC-3-4 zone, which is a community commercial zone intended to accommodate development with a pedestrian orientation. The CC-3-4 zone prohibits vehicle and vehicle equipment sales and service. Therefore, the sales, rental, service, repair, or maintenance of motorcycles or motorcycle equipment would not be permitted on the property. The CC-3-4 zone would however, allow the hair salon to continue to operate.

On November 27, 2000, the applicant presented the revised rezone request to the Pacific Beach Community Planning Committee. Before voting on the revised rezone request, the Planning Committee chair determined that the committee would have to reconsider and rescind their previous vote (by a two-thirds majority). That motion to rescind their previous vote failed, and no further action was taken by the Committee on the requested CC-3-4 zone.

On December 14, 2000, this proposed rezone request was considered by the Planning Commission. During that hearing, considerable concern was expressed by neighbors regarding several uses permitted under the proposed CC-3-4 zone.

In an effort to prohibit certain uses permitted by the proposed zone but deemed inappropriate by neighbors, the applicant volunteered to restrict uses through a recorded deed restriction. The Planning Commission hearing was continued in order to provide the applicant the opportunity to

both record the deed restriction, and allow the Pacific Beach Community Planning Committee to review and consider the deed restriction. On January 22, 2001, the Pacific Beach Community Planning Committee rejected the rezone request and deed restriction.

Finally, on February 15, 2001, the Planning Commission approved the proposed rezone (without the deed restriction).

FISCAL IMPACT: None.

LEGAL DESCRIPTION:

The 0.29 acres located at 4527 and 4545-4547 Fanuel Street, as shown on Zone Map Drawing No. B-4147, and is more particularly described as Parcels 1 and 2 of Parcel Map No. 00397.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2).

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A441-528.)

MOTION BY FRYE TO CONTINUE THIS ITEM TO MONDAY, JULY 16, 2001, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Business Improvement District Budgets FY2002.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeastern San Diego, College Area, Midway, Mission Hills, Pacific Beach, and San Ysidro Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1627 Cor. Copy) ADOPTED AS RESOLUTION R-295135

Levying an annual assessment within previously established Business Improvement Districts for July 1, 2001 through June 30, 2002 (FY2002).

Subitem-B: (R-2001-1628) ADOPTED AS RESOLUTION R-295136

Authorizing the City Manager to execute an agreement with these associations for the respective Business Improvement Districts:

<u>Association:</u>	<u>Business Improvement District</u>
Adams Avenue Business Association	Adams Avenue
City Heights BIA	City Heights
College Area Economic Development Corp.	College Area
Diamond Economic Development Corp.	Diamond - District
Downtown San Diego Partnership	Downtown Improvement Area
El Cajon Boulevard BIA	El Cajon Gateway
El Cajon Boulevard BIA	El Cajon Central
Gaslamp Quarter Association	Gaslamp
Hillcrest Association	Hillcrest
Little Italy Association	Little Italy
North Bay Business Association	Midway
Mission Hills Association	Mission Hills
North Park Organization of Business	North Park
Ocean Beach Merchants' Association	Ocean Beach
Old Town S.D. Chamber of Commerce	Old Town
Discover Pacific Beach	Pacific Beach
Promote La Jolla, Inc.	La Jolla
San Ysidro Improvement Corporation	San Ysidro

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost for certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town,

Pacific Beach and San Ysidro. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: the public hearing to levy the proposed assessment for each BID for FY 2002 and authorizing the City Manager to enter into the FY2002 annual BID operating agreements with the respective associations.

FISCAL IMPACT:

Approximately \$1.1 million of BID assessments will be collected in FY2002 by the City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Loveland/Cunningham/JVK

FILE LOCATION: STRT-L1, L2, L3, L4, L5, L6, L7, L8, L9, L11, L12, L13,
L14, L15, L16, L17, L18, L22 (32)

COUNCIL ACTION: (Tape location: A544-557.)

Hearing began at 10:45 a.m. and halted at 10:49 a.m.

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Loan of CDBG Funds to SEDC-Imperial Marketplace.

(See memorandum from SEDC No. 01-012, dated July 3, 2001. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2002-90) ADOPTED AS AMENDED AS RESOLUTION R-295137

Authorizing the appropriation and expenditure of \$852,000 in interest earnings from the Section 108-SEDC Loan (Fund 18514) for purposes of providing funds for the loan repayment on the Section 108 loan for Fiscal Years 2001 and 2002;

Authorizing the reprogramming of the Community Development Block Grant allocations in the amount of \$852,000, (\$500,000 in Fiscal Year 2001 and \$352,000 in Fiscal Year 2002) from the Section 108-SEDC Loan Repayment fund to provide an interest bearing loan to the Redevelopment Agency of the City of San Diego to be used to fund the Southeastern Economic Development Corporation contribution to CIP-52-677.0, Imperial Avenue/Ocean Blvd. Street Improvements, in the Central Imperial Project Area;

Authorizing the transfer of \$852,000 to the Redevelopment Agency of the City of San Diego as an interest-bearing loan to be repaid when practical from any source.

Aud. Cert. 2200031.

NOTE: See the Redevelopment Agency Agenda of July 10, 2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C023-024.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE THAT FUTURE INTEREST GENERATED FROM THE SEDC 108 LOAN WILL RELIEVE THE CITY WIDE CDGB POOL FROM CONTRIBUTING TOWARD LOAN REPAYMENT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 9:11 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Tape location: M167).